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FOR AF/S

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TAGS: [PREL](#) [PGOV](#) [KICC](#) [PINR](#) [LT](#)  
SUBJECT: CABINET APPROVES ARTICLE 98 AGREEMENT

REF: (A) MASERU 270 (B) MASERU 261 AND PREVIOUS

CLASSIFIED BY: June Carter Perry, Ambassador, EXEC , STATE.  
REASON: 1.4 (b), (d)

11. (C) Deputy Prime Minister Lehohla informed the Ambassador late June 14 that the GOL Cabinet had approved signing an Article 98 Agreement with the United States. This session followed Ambassador's discussion with the Prime Minister concerning the contents of the Article and the legal findings as well as further discussion of the ICC rubric. In a private conversation with Ambassador, the Deputy Prime Minister said that a formal communication would be forthcoming from the Government, but that this issue has now been resolved.

12. (C) Finance Minister Thahane had given Ambassador a "heads up" telephone call several hours before the Deputy Prime Minister formally conveyed this information. According to the Minister of Finance, the Prime Minister was very strong in his own presentation during this Cabinet meeting and that everything went smoothly. In a further conversation with the Acting Foreign Minister Tsekoa (a respected diplomat), the Minister told the Ambassador that he had been present during the Cabinet meeting, that Article 98 had been approved, and that he viewed this as a very positive development despite the length of time it had taken to achieve it. (Note: Tsekoa, who is still undergoing treatment for cancer, made a point of coming to the CMR June 14 to personally brief Ambassador on the Cabinet meeting the night before his treatment in South Africa. End Note) Ambassador had met one-on-one with Minister Tsekoa prior to her May 30 meeting with the Prime Minister to seek his assessment of pending Cabinet approval in June. The Minister, who is a contemporary and a friend of the Prime Minister, assured the Ambassador that he would speak to the PM confidentially.

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13. (C) Comment: Bilateral and multilateral legislative actions are approved by the Cabinet after having been vetted by the Attorney General -- a lengthy process. In this case, the Deputy Prime Minister indicated that we should have the formal piece of paper "within days." We will remain in close contact with the Minister of Foreign Affairs to track the status of the actual document, a copy of which the Ambassador personally handed to the Prime Minister. It is our understanding that, procedurally, the Government of Lesotho will send a communique to us stating that it has agreed to be a signatory. We have made no public statement on this matter to anyone, and will not do so as yet; we have informed the government that if they wish to keep this a quiet matter, we are willing to do so. We note, however, that our Public Diplomacy officer received a call June 19 from a European Union delegation officer asking if the Government of Lesotho had signed an Article 98 Agreement with us. His response was "no document had been signed." We believe it is

best to take this tack until we have the actual agreement in hand, particularly as the EU, according to the British, had offered the GOL arguments against the U.S. position. The Ambassador and Foreign Minister (who has just returned from Thailand) will have the opportunity to determine the Government's wishes to publicize it once the document itself is signed by both parties, i.e. the Foreign Minister and Ambassador representing their respective governments. End Comment.

PERRY